



GJW

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q92435

Shigeto UCHIYAMA, et al.

Appln. No.: 10/562,687

Group Art Unit: 1761

Confirmation No.: 3798

Examiner: Not Yet Known

Filed: December 28, 2005

For: EQUOL-PRODUCING LACTIC ACID BACTERIA-CONTAINING COMPOSITION

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

**ATTN:** Office of Initial Patent Examination  
Filing Receipt Correction  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We enclose a copy of the Official Filing Receipt for the above-identified application and request the following corrections:

**Assignment for Published Patent Application**

Otsuka Pharmaceutical CO., LTD.

**Title**

Composition containing lactic acid bacterium producing equol Equol-Producing Lactic Acid Bacteria-Containing Composition

Verification for the requested corrections is indicated on the Executed Assignment and Declaration filed December 28, 2005.

Respectfully submitted,

Gordon Kit  
Registration No. 30,764

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: June 27, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 PO Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/562,687	12/28/2005	1761	900	Q92435	7	13	3

CONFIRMATION NO. 3798

23373  
 SUGHRUE MION, PLLC  
 2100 PENNSYLVANIA AVENUE, N.W.  
 SUITE 800  
 WASHINGTON, DC 20037

FILING RECEIPT



\*OC000000018430169\*

Date Mailed: 04/06/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Shigeto Uchiyama, Miyaki-gun, JAPAN;  
 Tomomi Ueno, Kurume-shi, JAPAN;  
 Toshimi Suzuki, Kurume-shi, JAPAN;

Assignment for Published Patent Application

OTSUKA PHARMACEUTICAL CO., LTD.

Power of Attorney: The patent practitioners associated with Customer Number 23373.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/09484 06/29/2004

Foreign Applications

JAPAN 2003-187831 06/30/2003

If Required, Foreign Filing License Granted: 03/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/562,687**

Projected Publication Date: 07/06/2006

Non-Publication Request: No

Early Publication Request: No

**Title**Equol-Producing Lactic Acid Bacteria-Containing Composition

Composition containing lactic acid bacterium producing equol

**Preliminary Class**

426

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

## Assignment

Whereas, I/We, 1) UCHIYAMA Shigeto, 2) UENO Tomomi, and 3) SUZUKI Toshimi, of  
1) 1157-1, Oaza Miyaura, Kiyama-cho, Miyaki-gun, Saga 8410204, Japan; 2) 5-2-7-103,  
Komorino, Kurume-shi, Fukuoka 8300001, Japan; and 3) 1744-3-206, Tsubukuhonmachi,  
Kurume-shi, Fukuoka 8300047, Japan hereinafter called assignor(s), have invented certain  
improvements in

### EQUOL-PRODUCING LACTIC ACID BACTERIA-CONTAINING COMPOSITION

and executed an application for Letters Patent of the United States of America therefor on  
December 15, 2005; and

Whereas, OTSUKA PHARMACEUTICAL CO., LTD., of  
9, Kandatsukasa-cho 2-chome, Chiyoda-ku,  
Tokyo 1018535, Japan

(assignee), desires to acquire the entire right, title, and interest in the application and  
invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

I/We, the above named assignor(s), hereby sell, assign and transfer to the above named  
assignee, its successors and assigns, the entire right, title and interest in the application and the  
invention disclosed therein for the United States of America, including the right to claim priority  
under 35 U.S.C. §119, and I/we request the Director of the U.S. Patent and Trademark Office to  
issue any Letters Patent granted upon the invention set forth in the application to the assignee, its  
successors and assigns; and I/we will execute without further consideration all papers deemed  
necessary by the assignee in connection with the United States application when called upon to  
do so by the assignee.

I/We hereby authorize and request our attorneys SUGHRUE MION, PLLC of 2100  
Pennsylvania Avenue, NW, Washington, DC 20037-3213 to insert here in parentheses  
(Application number \_\_\_\_\_ and Confirmation number \_\_\_\_\_)

\_\_\_\_\_, filed \_\_\_\_\_ the application  
number and filing date of said application when known.

Date: December 15, 2005 Shigeto Uchiyama  
\_\_\_\_\_  
s/ UCHIYAMA Shigeto

Date: December 15, 2005 Tomomi Ueno  
\_\_\_\_\_  
s/ UENO Tomomi

Date: December 15, 2005 Toshimi Suzuki  
\_\_\_\_\_  
s/ SUZUKI Toshimi

Date:  
\_\_\_\_\_  
s/



Docket No.:

**DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)**

As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**EQUOL-PRODUCING LACTIC ACID BACTERIA-CONTAINING COMPOSITION**

the application of which

is attached hereto

OR

was filed on June 29, 2004 as United States Application Number or PCT International Application Number PCT/JP2004/009484 (Confirmation No. \_\_\_\_\_), and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application(s) having a filing date before that of the application on which priority is claimed.

Prior Application Number(s)	Country	Filing Date	Priority Claimed Yes	No
2003-187831	Japan	30/06/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim benefit under 35 United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
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I hereby claim benefit under 35 United States Code §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. or International Application Number(s)	U.S. or International Filing Date	Status

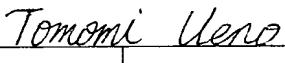
I hereby appoint all attorneys of **SUGHRUE MION, PLLC** who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF SOLE OR FIRST INVENTOR:</b>			
Given Name (first and middle [if any]) Shigeto		Family Name or Surname UCHIYAMA	
Inventor's Signature 		Date December 15, 2005	
Residence: City Miyaki-gun	State Saga 8410204	Country Japan	Citizenship Japan
Mailing Address: 1157-1, Oaza Miyaura, Kiyama-cho			
City Miyaki-gun	State Saga	Zip 8410204	Country Japan
<b>NAME OF SECOND INVENTOR:</b>			
Given Name (first and middle [if any]) Tomomi		Family Name or Surname UENO	
Inventor's Signature 		Date December 15, 2005	
Residence: City Kurume-shi	State Fukuoka 8300001	Country Japan	Citizenship Japan
Mailing Address: 5-2-7-103, Komorino			
City Kurume-shi	State Fukuoka	Zip 8300001	Country Japan
<b>NAME OF THIRD INVENTOR:</b>			
Given Name (first and middle [if any]) Toshimi		Family Name or Surname SUZUKI	
Inventor's Signature 		Date December 15, 2005	
Residence: City Kurume-shi	State Fukuoka 8300047	Country Japan	Citizenship Japan
Mailing Address: 1744-3-206, Tsubukuhonmachi			
City Kurume-shi	State Fukuoka	Zip 8300047	Country Japan
<b>NAME OF FOURTH INVENTOR:</b>			
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country
<b>NAME OF FIFTH INVENTOR:</b>			
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country